

# CITY OF HARTFORD

OFFICE OF HUMAN RELATIONS

550 MAIN STREET  
HARTFORD, CT 06106

## MWBE

# Minority/ Woman Business Enterprise Certification

## Application

This is the "APPLICATION FOR MINORITY/WOMAN BUSINESS CERTIFICATION" and a listing of the documents that are required to be included with the application.

The completed application, along with attachments of complete and legible copies of all of the applicable documents that are called for in its Part B, should be returned to this office. Please note that the submittal of information and/or documents that are incomplete and/or illegible will delay the review process and could prevent certification.

The City of Hartford reserves the right to request additional documents and information, as it deems necessary to determine whether the applicant is eligible for Minority/Woman Business certification.

Should you have any questions and/or need technical assistance with this application, please call the MWBE Officer, Mr. Luis Rodriguez-Davila at (860) 522-4888, extension 6477, or email at [LDavila@ci.hartford.ct.us](mailto:LDavila@ci.hartford.ct.us).



## APPLICATION FOR MINORITY/ WOMAN BUSINESS ENTERPRISE CERTIFICATION

### PART I: BASIC INFORMATION

1. Registered Business Name: \_\_\_\_\_
2. Business Address \_\_\_\_\_
3. Business Telephone Number(s): \_\_\_\_\_
4. The Legal structure of this business is: Corporation \_\_\_\_ Limited Liability Corporation (LLC)\_\_\_\_  
Limited Liability Partnership\_\_\_\_ Limited Partnership \_\_\_\_ Sole Proprietorship\_\_ Other\_\_\_\_
5. The date this business was started: \_\_\_\_\_
6. Full name(s) and title(s) of its Minority or woman owner(s): \_\_\_\_\_
7. Business is applying for certification as:  
\_\_\_\_ Minor Business (At least 51.0% Minority Person Owned)  
\_\_\_\_ Woman Business Enterprise (At least 51.0% Woman Owned)
8. The nature (services/products sold) of this business is: \_\_\_\_\_
9. Does it maintain an inventory of supplies/materials for resale?  
\_\_\_\_ Yes \_\_\_\_ No If yes, where are supplies/materials stored? (Street Address) \_\_\_\_\_
10. Is this business also a broker? Yes\_\_\_\_ No\_\_\_\_
11. In what Town or State is this business registered? \_\_\_\_\_
12. Is the Minority or woman owner(s) engaged in or owners of other businesses and/or otherwise employed? \_\_\_\_ Yes \_\_\_\_ No. If yes, please attach specific descriptions of activities.
13. Does the Minority or woman owner(s) have signing authority for:  
A. Checks? \_\_\_\_ Yes \_\_\_\_ No C. Invoices? \_\_\_\_ Yes \_\_\_\_ No  
B. Contracts? \_\_\_\_ Yes \_\_\_\_ No
14. Does the Minority or woman owner(s) have any involvement in its contract negotiations?  
\_\_\_\_ Yes \_\_\_\_ No
15. Does the Minority or woman owner(s) have substantial control over the hiring and firing of its employees? Yes \_\_\_\_ No\_\_\_\_
16. Does this business own:  
A. The property? \_\_\_\_ Yes \_\_\_\_ No B. The equipment? Yes\_\_\_\_ No\_\_\_\_  
C. The vehicle(s)? \_\_\_\_ Yes \_\_\_\_ No
17. Does this business lease or rent:  
A. The property? \_\_\_\_ Yes \_\_\_\_ No B. The equipment? Yes\_\_\_\_ No\_\_\_\_  
C. The vehicle(s)? \_\_\_\_ Yes \_\_\_\_ No

18. Does this business make purchases from firms owned by its Non-Minority or male owner(s)?  
\_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, please attach account receipts.
19. Does this business utilize the assets or facilities of firms owned by its Non-Minority or male owner(s)? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, please attach all pertinent documents.
20. Does your Business have a Zoning Certificate of Occupancy or Zoning Permit? \_\_\_\_Yes \_\_\_\_No  
If yes, please attach a copy with this application. If no, contact your Zoning Department for approval.

Please be advised that periodic site visits are made to verify that business is operating from this location.

## **PART II: DOCUMENTATION REQUIRED**

So that the City may verify the information provided, complete, clear and legible copies of the following documents must be attached.

### **A. FOR ALL APPLICANTS:**

1. A copy of the company's complete Federal Income Tax Return that was filed with the Internal Revenue Service (IRS) for the immediate preceding tax year, including ALL schedules, statements, and attachments.
2. A complete copy of the last due and filed UC-5A (Unemployment Compensation) Quarterly Report.
3. Copies of the registrations and/or rental or lease agreements for the vehicles used by the business;
4. Receipts, invoices and rental or lease agreements for the equipment used by the business, if they are not listed (i.e., specified) in its Federal Income Tax Return; and
5. Rental or lease agreements, mortgages, and/or deeds for the facilities used by the business.
6. Copies of the company's contractors licenses and any other practitioners licenses or permits required by the City, Town, State or Federal government, that it needs in order to do business.
7. Copies of the Long Form Birth Certificate, or U.S. Marriage License, Court Decree, or Other Government Document, that clearly show the race or Ethnic Affiliation of the Minority owner(s) or that show the gender of the woman owner(s), if applying for Woman Business Certification.
8. Copies of all of the company's bank signatory cards that show the names of the signatories and the banks.
9. Resumes or statements, signed by all of the owners that show and describe the responsibilities of ALL of the Minority or the woman owner(s), (if applying for Woman Business Certification) of the company.
10. Copies of the Contractor (and any other Practitioner or Services) Licenses and Permits held by the Minority owner(s) or by the woman owner(s), (if applying for Woman Business Certification) and copies of their respective certificates, or other accreditations (including substantiation of time and place of their training, employment, education, and business backgrounds) that show proof of their expertise in the company's line of work.
11. Please note: Copies of any Federal and/or State issued Trademarks will also be needed.

**B. FOR ALL CORPORATIONS:**

1. Copies of **Certified Certificate of Incorporation**, and the latest Biennial Report that were filed with the Secretary of the State (i.e., each copy containing the Secretary of the State's filing date stamp).
2. Please note: The State's copies of any subsequent filings regarding changes of name, Directors, Officers, principal office, etc., may also be requested.
3. Copies of ALL Stock Certificates (including for cancelled and Treasury Stock).
4. Copy of Corporation bylaws.
5. A copy of the Stock Ledger Registry (a/k/a Stock Transfer Ledger).

**C. LIMITED LIABILITY COMPANY:**

1. Copies of **Certified Articles of Organization** – filed to form a Connecticut limited liability company (i.e., each copy containing the Secretary of State's filing date stamp).
2. Annual Report – Report of limited liability company's principal office and mailing address filed on anniversary of formation.
3. Copies of the Operating Agreement of the LLC.

**D. LIMITED LIABILITY PARTNERSHIP:**

1. Copies of **Certified Certificate of Limited Liability Partnership** – filed by a Connecticut general partnership to become a limited liability partnership (i.e., each copy containing the Secretary of the State's filing date stamp).
2. Copies of the Annual Report – report of limited liability partnership's principal office and mailing addresses

**F. LIMITED PARTNERSHIP:**

1. Copies of **Certified Certificate of Limited Partnership** – filed to form Connecticut Limited Partnership (i.e., each copy containing the Secretary of State's filing date stamp).

**G. FOR ALL SOLE PROPRIETORSHIPS:**

1. A copy of the Trade Name Registration filed with the Town Clerk that contains the Town Clerk's filing date stamp.
2. Please note: In some cases, a copy of the Sales and Use Tax Permit may be requested.

**H. FOR ALL GENERAL PARTNERSHIPS:**

1. A copy of the **Partnership Agreement**, including all attachments, statements and references.
2. A copy of the **Trade Name Registration** filed with the Town Clerk that contains the Town Clerk's filing date stamp.

**Please note:** In some cases, a copy of the Sales and Use Tax Permit may be requested.

PART C:

# AFFIDAVIT

REGISTERED BUSINESS NAME: \_\_\_\_\_

I, the undersigned, being a duly authorized owner of this business, swear that: the information and documents provided regarding this application for Minority/Woman Business Certification, under Sections 2-651 through 2-664 of the Hartford Municipal Code, are true, accurate, and current. Consent is given to the Office on Human Relations of the City of Hartford to monitor this business as called for in the Code. This business will immediately provide written notice to the Office on Human Relations of any changes in ownership, structure, control, et al. It is understood that the City reserves the right to request the additional information and documents that it deems necessary to reasonably assure that this business meets the criteria set forth in the Municipal Code. It is, also, understood that any misrepresentations, omissions or misstatements in this application may, and can, result in the immediate cancellation of certification and any contracts with the City of Hartford.

SIGNATURE: \_\_\_\_\_ PRINT  
NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

Voluntarily subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

**Return To:**  
City of Hartford,  
Office of Human Relations,  
550 Main Street,  
Hartford, CT 06103

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Municipal Ordinances

for the

MWBE

Set-aside Program

ager. A designee of the city manager shall present any and all evidence during such hearing in support of any alleged violation. After such hearing, the examiner shall render a decision in writing, setting forth his findings and conclusions. He shall transmit copies of the decision to the contractor, the city manager, and the members of the council. If the examiner has found a substantial or material violation, or if the contractor has failed to request a hearing within the ten-day time period for such an appeal, the city manager may institute such remedies as provided in subsection (e). The city manager shall immediately notify the council and all parties in interest of the measures that he proposes to implement, by written memorandum. The measures so proposed shall become effective at the expiration of fifteen (15) days or the end of the day following the next regularly scheduled meeting of the council, whichever is longer, unless the council rejects or modifies the manager's proposed actions within such time period, by majority vote. However, the council may by majority vote postpone the effective date of the manager's actions until its next regularly scheduled meeting. Nothing in this section shall preclude the city manager from accepting an offer by a contractor charged with a violation of this section which, in the manager's determination, will provide a meaningful remedy to such violation.

(g) *Exception.* No provisions of this section shall apply to the board of education's powers to hire, promote, discipline or dismiss teachers. (Code 1977, § 2-276; Ord. No. 14-79, 4-9-79; Ord. No. 29-79, 11-13-79; Ord. No. 19-93, 6-28-93)

Cross references—Commission on human relations, § 2-156; commission on the status of women, § 2-231 et seq.; Hartford Advisory Commission for the Handicapped, § 2-276 et seq.; employment resource development commission, § 2-311 et seq.; affirmative action plan, § 2-626 et seq.

**Sec. 2-559. Set-aside program for small contractors and minority business enterprises.**

(a) *Definitions.* As used in this section, the following terms have the following meanings:

(1) *Minority means:*

- a. Black Americans, including all persons having origins in any of the Black Af-

rican racial groups not of Hispanic origin,

- b. Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race,
- c. Women,
- d. Asian Pacific Americans and Pacific Islanders, or
- e. American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification;

(2) *Small contractor* means any contractor, subcontractor, manufacturer or service company which has been doing business and has maintained its principal place of business in the state for a period of at least one (1) year prior to the date of application for certification under this section and which had gross revenues not exceeding three million dollars (\$3,000,000.00) in the most recently completed fiscal year prior to such application. Notwithstanding the provisions of this section, the city may, by means of administrative regulation, change the gross revenue amount to correspond with changes in the state's gross revenue amount. In case of any conflict between this section and the city's administrative regulations regarding the gross revenue amount, the administrative regulations adopted pursuant to this section shall control. (Ord. No. 4-88, 1-25-88)

(1) *Minority business enterprise* means any small contractor, fifty-one (51) percent or more of the capital stock, if any, or assets of which is owned by persons who:

- a. Are active in the daily affairs of the enterprise,
- b. Have the power to direct the management and policies of the enterprise, and
- c. Are members of a minority.

(b) *Percentage of city contracts allotted.* Under the provisions of Section 7-148u of the General Statutes, there shall be set aside in each fiscal year,



ager. A designee of the city manager shall present any and all evidence during such hearing in support of any alleged violation. After such hearing, the examiner shall render a decision in writing, setting forth his findings and conclusions. He shall transmit copies of the decision to the contractor, the city manager, and the members of the council. If the examiner has found a substantial or material violation, or if the contractor has failed to request a hearing within the ten-day time period for such an appeal, the city manager may institute such remedies as provided in subsection (e). The city manager shall immediately notify the council and all parties in interest of the measures that he proposes to implement, by written memorandum. The measures so proposed shall become effective at the expiration of fifteen (15) days or the end of the day following the next regularly scheduled meeting of the council, whichever is longer, unless the council rejects or modifies the manager's proposed actions within such time period, by majority vote. However, the council may by majority vote postpone the effective date of the manager's actions until its next regularly scheduled meeting. Nothing in this section shall preclude the city manager from accepting an offer by a contractor charged with a violation of this section which, in the manager's determination, will provide a meaningful remedy to such violation.

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(a) *Definitions.* As used in this section, the following terms have the following meanings:

(1) *Minority means:*

- a. Black Americans, including all persons having origins in any of the Black Af-

rican racial groups not of Hispanic origin,

- b. Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race,
- c. Women,
- d. Asian Pacific Americans and Pacific Islanders, or
- e. American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification;

(2) *Small contractor* means any contractor, subcontractor, manufacturer or service company which has been doing business and has maintained its principal place of business in the state for a period of at least one (1) year prior to the date of application for certification under this section and which had gross revenues not exceeding three million dollars (\$3,000,000.00) in the most recently completed fiscal year prior to such application. Notwithstanding the provisions of this section, the city may, by means of administrative regulation, change the gross revenue amount to correspond with changes in the state's gross revenue amount. In case of any conflict between this section and the city's administrative regulations regarding the gross revenue amount, the administrative regulations adopted pursuant to this section shall control. (Ord. No. 4-88, 1-25-88)

(1) *Minority business enterprise* means any small contractor, fifty-one (51) percent or more of the capital stock, if any, or assets of which is owned by persons who:

- a. Are active in the daily affairs of the enterprise,
- b. Have the power to direct the management and policies of the enterprise, and
- c. Are members of a minority.

(b) *Percentage of city contracts allotted.* Under the provisions of Section 7-148u of the General Statutes, there shall be set aside in each fiscal year,

accorded to a city-located business over a noncity-located business, and a state-located business over a nonstate-located business.  
(Code 1977, § 2-333)

Charter reference—Competitive bidding, Ch. VIII, § 10.

Secs. 2-639—2-650. Reserved.

## DIVISION 2. CITY CONTRACTS PARTICIPATION CRITERIA

Sec. 2-651. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alaskan Native or American Indian* means all persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

*Asian or Pacific Islander* means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

*Black* (not of Hispanic origin) means all persons having origins in any of the Black racial groups of Africa.

*Hispanic* means all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

*MBE/WBE* means minority business enterprise or women business enterprise respectively. (Code 1977, § 2-334(A); Ord. No. 44-83, 10-24-83)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 2-652. Purpose.

The purpose of this division is to establish formal review criteria by which any minority or female company shall be evaluated regarding its

participation in any city or city-related construction contract containing MBE/WBE preference requirements.

(Code 1977, § 2-334; Ord. No. 44-83, 10-24-83)

Sec. 2-653. Minimum in-business time period requirement for certification of MBE/WBE.

(a) A business requesting MBE/WBE certification must have been in business for a minimum of one (1) year preceding an application for certification, and must present official documentation evidencing this requirement.

(b) Acceptable documentation to be supplied to evidence the requirement of this division is as follows:

- (1) *Corporations*. Copy of certificate of incorporation filed with the secretary of state, articles of incorporation and corporate bylaws. Include any documents amending the foregoing;
- (2) *Limited partnerships*. Copy of certificate of limited partnership filed with the secretary of state, and, if written, a copy of the limited partnership agreement. Include any amendments to the foregoing;
- (3) *General partnerships*. If written, a copy of the partnership agreement, with amendments, if applicable, and business invoices such as payroll receipts, office space leasing agreement or deed if applicable, tax withholding forms, bond or insurance invoices, accounting and bookkeeping statements;
- (4) *Joint ventures*. See section 2-622 for joint ventures;
- (5) *Sole proprietorships*. If a trade name license is required to operate, a copy of the license, and business invoices such as payroll receipts, business leasing agreement or deed if applicable, tax withholding forms, bond or insurance invoices, accounting and bookkeeping statements.

(c) For all of the business organizations listed in subsection (b), also include the following requirements:

- (1) Copy of contractor's license if required by state, county or city laws or ordinances;
- (2) Copy of federal income tax returns for the year immediately preceding the application for certification.

(Code 1977, § 2-334(B); Ord. No. 44-83, 10-24-83)

**Sec. 2-654. Requirement of substantial ownership of business assets of the MBE/WBE by minority owners.**

(a) The MBE/WBE must be at least fifty-one (51) percent owned and controlled by minority group members. In the case of MBE/WBE which is a corporation, at least fifty-one (51) percent of the stock must be owned and controlled by minority group members. At least fifty-one (51) percent of the MBE/WBE business assets must be owned by the minority owners. The MBE/WBE may not share assets with a nonminority-owned firm unless there is documentable evidence that a fair compensation is being paid for such assets.

- (1) Shareholder agreements must evidence that the minority owners own at least fifty-one (51) percent of the stock and have all of the powers attendant thereto. Partnership agreements must evidence that the minority partners own at least fifty-one (51) percent of the partnership assets, with all powers attendant thereto;
- (2) Business place leasing agreement or mortgage note or deed must evidence that minority owners are obligated for at least fifty-one (51) percent of the payments thereunder;
- (3) Barring extenuating circumstances, the MBE/WBE must have its own telephone. The MBE/WBE may not share telephone services with a nonminority firm;
- (4) The MBE/WBE must have its own employees. The employees of the MBE/WBE may not simultaneously be employees of a nonminority-owned business.

(b) The following documentation must be submitted in order to verify the ownership percentage which the minority member holds in the MBE/WBE:

- (1) Shareholder agreement, partnership agreement;
- (2) Any other written agreement that could affect the nature of the minority member's legal or beneficial ownership or control of the MBE/WBE, including but not limited to management contracts, limitations on voting rights of stock and buy/sell agreements affecting the minority member's interest in the business;

- (3) Include a brief description of any nonwritten agreement of the type set forth in this division.

(Code 1977, § 2-334(C); Ord. No. 44-83, 10-24-83)

**Sec. 2-655. Requirement of substantial involvement in the daily operation of the MBE/WBE by minority owners.**

A substantial portion of the minority owners' working time must be spent on the operation of the MBE/WBE.

- (1) The minority owner of the MBE/WBE must not be engaged in other business or professional pursuits which preclude him from devoting what would be reasonably deemed an adequate amount of time to conduct the business operations of the MBE/WBE;
- (2) The minority owner of the MBE/WBE must control the day-to-day operations of the MBE/WBE:
  - a. Barring extenuating circumstances, the minority owner of the MBE/WBE must be either the sole or one (1) of the required signatories on the operation's checks, invoices and contracts,
  - b. The minority owner of the MBE/WBE must be actively involved in the negotiation of the contracts of the MBE/WBE,
  - c. The minority owner of the MBE/WBE must have substantial control over the hiring and firing of the employees of the MBE/WBE,
  - d. The minority owner of the MBE/WBE must substantially supervise jobs that the firm undertakes, both on and off the job site,
  - e. The minority owner of the MBE/WBE must have unrestricted access and authority over necessary payroll, tax, personnel, and other records and books of the firm.

(Code 1977, § 2-334(D); Ord. No. 44-83, 10-24-83)

**Sec. 2-656. Certain relationships between owners and officers of MBE/WBE and other firms working on same project prohibited.**

(a) An MBE/WBE is prohibited from satisfying a substantial amount of its purchasing requirements from a firm which is owned by a nonminority owner of the MBE/WBE.

(b) An MBE/WBE is prohibited from using the assets and facilities of a firm which is owned by a nonminority owner of the MBE/WBE unless there is documentable evidence that a fair compensation is being paid for the use of such assets and facilities.

(Code 1977, § 2-334(E); Ord. No. 44-83, 10-24-83)

**- Sec. 2-657. Requirement of showing by MBE/WBE of nondependency on MBE/WBE preference contracts.**

The total value of the preference contracts which the MBE/WBE receives in a given two-year period must not exceed sixty (60) percent of its total billings for the same two-year period.

(Code 1977, § 2-334(F); Ord. No. 44-83, 10-24-83)

**Sec. 2-658. Requirement of demonstratable experience by MBE/WBE in subject-matter area of particular preference contract.**

(a) The minority owner or officer of the MBE/WBE must demonstrate expertise and experience in the area of the firm's business, and in the subject area of its preference contracts.

(b) In lieu of such demonstratable experience and expertise, the minority owner or officer must provide definite plans to gain such experience and expertise. Such measures shall include the following:

- (1) Participation in regular classes on the subject matter in question;
- (2) Participation in special trades training program on the subject matter in question;
- (3) Participation in a joint venture covering the subject matter in question;
- (4) Securing the employment of at least one (1) individual with expertise in the subject area;

(5) For companies requiring specific contractors' licenses to operate, a specific work-plan and timetable in which the minority owner or minority officer will acquire such in his own name.

(Code 1977, § 2-334(G); Ord. No. 44-83, 10-24-83; Ord. No. 13-95, 7-10-95)

**Sec. 2-659. Requirement of consent by MBE/WBE to monitoring of its operation by city.**

The MBE/WBE shall consent to the monitoring of its operations by the purchasing agent:

- (1) Such monitoring shall be carried out at the place of business of the MBE/WBE or at a project site, or both.
- (2) Such monitoring may be carried out without advance notice to the MBE/WBE, but shall only be carried out during regular business hours.
- (3) The purchasing agent, in the course of such monitoring, shall have the right to examine all books, records and files of the MBE/WBE which the purchasing agent deems relevant to determining whether the MBE/WBE is a bona fide minority-owned and -operated business.
- (4) The purchasing agent shall have the right to question all employees of the MBE/WBE where the purchasing agent deems that such questioning will further its objectives in determining whether the MBE/WBE is a bona fide minority-owned and -operated business.

(Code 1977, § 2-334(H); Ord. No. 44-83, 10-24-83; Ord. No. 38-90, 6-25-90)

**Sec. 2-660. Suppliers and vendors.**

(a) In order for any given company to be recognized as a bona fide MBE/WBE supplier of material services, the company must be able to demonstrate the MBE/WBE ownership, control and daily operational participation involvement as outlined in sections 2-651 through 2-658.

(b) Additionally, a supplier of materials must also be able to:

- (1) Document a specific place of business;

- (2) Have in place an inventory of materials that would be expected of such a supplier given the nature of the business;
- (3) Maintain a direct and responsible involvement in the procurement and delivery of such supplies;
- (4) Demonstrate a capacity to handle and deliver such supplies.

(c) Where it is determined that an MBE/WBE acts merely as an agent or a relatively passive conduit in connection with the provision of services or materials, only the commission or fee earned by the MBE/WBE may be counted toward the MBE/WBE requirement. Even this commission or fee will not be counted if the MBE/WBE performs no substantive services and is a totally passive conduit.  
(Code 1977, § 2-334(I); Ord. No. 44-83, 10-24-83)

**Sec. 2-661. Provisional certification; defined, requirements and effect.**

(a) For companies pursuant to this division having less than one (1) full year of operation or companies not able to fully demonstrate the minority ownership and control activities as set forth under sections 2-651 through 2-658, a provisional recognition as a bona fide minority or female owned enterprise may be provided to such company. The provisional recognition shall allow such company to participate on a city project as a bona fide MBE/WBE on the condition that such company agree to develop a management workplan and timetable to address the areas of deficiency as outlined in writing by the city. Such provisional certification shall be for the specific project in question only, and may be withdrawn if such company fails to comply with the management workplan and timetable for implementation which shall have been agreed upon and added to the contract upon which such company is working.

(b) Should such recognition of an MBE/WBE participating on a city project be withdrawn for noncompliance thereto by the MBE/WBE, the prime contractor shall not be penalized, provided he has acted in good faith during the pendency of the matter.

(c) Any company that has applied for MBE/WBE certification and whose application has been denied shall be ineligible for a provisional certification for a period of one (1) year from the date of denial.

(Code 1977, § 2-334(J); Ord. No. 44-83, 10-24-83; Ord. No. 49-98, 8-10-98)

**Sec. 2-662. Special provisions for certifying joint ventures.**

(a) The MBE/WBE portion of the joint venture must meet the regular MBE/WBE certification requirements set forth in sections 2-651 through 2-658, prior to the executive director of the human relations commission's consideration for certification of the joint venture involving such MBE/WBE as a participant.

(b) The businesses requesting certification of their joint venture must provide the executive director of the human relations commission with a written joint venture agreement. Such agreement must provide that:

- (1) The MBE/WBE joint venture partner shall assume at least forty (40) percent of the responsibility for administration of the joint venture agreement;
- (2) The MBE/WBE joint venture partner shall assume at least forty (40) percent of the liability from the operation or share in at least forty (40) percent of the profit of the operation or both;
- (3) Where one (1) joint venture partner provides any additional service or equipment, etc., that the joint venture partnership shall reimburse such partner for the fair market value of such service equipment.

(c) Where personnel of an MBE/WBE firm and a majority-owned firm are involved in any of the relationships as specified in section 2-655, the certification of a joint venture of such firms will be subject to the restrictions imposed by such regulation.

(Code 1977, § 2-334(K); Ord. No. 44-83, 10-24-83; Ord. No. 38-90, 6-25-90; Ord. No. 42-92, 10-13-92)

**Sec. 2-663. MBE/WBE credit determination.**

(a) In minority or female companies representing themselves to be owned, controlled and operated by minority or female individuals wherein a majority person likewise has ownership interests, should such minority or female company subcontract with the organization with which the majority person also has beneficial interests, only that percent of the subcontract value representative of the minority ownership interests will be credited toward the MBE/WBE requirement.

(b) In joint venture proposals, only that percentage of such joint venture representative of the minority or female ownership partnership shall be credited toward meeting the MBE/WBE requirements.

(Code 1977, § 2-334(L); Ord. No. 44-83, 10-24-83)

**Sec. 2-664. Certification; denial of certification; appeal.**

The executive director of the human relations commission shall investigate each company that submits an application for MBE/WBE certification. The executive director of the human relations commission shall make his written recommendations to the city manager. The city manager shall certify whether such company is deemed to be a certified MBE/WBE. In each case where the city manager determines that the company is not deemed to be a certified MBE/WBE, the manager shall state the reasons in a written opinion to be forwarded to the executive director of the human relations commission, the corporation counsel and the company. The city manager's determination not to certify the company shall be appealable by written notice by the company to the contract enforcement committee of the council within five (5) days after receipt of the city manager's determination. The contract enforcement committee may reverse the city manager's determination by a majority vote. Applicants that have been denied certification are required to wait a period of one year from the date of denial prior to submitting another application for certification.

(Code 1977, § 2-334(M); Ord. No. 44-83, 10-24-83; Ord. No. 38-90, 6-25-90; Ord. No. 43-92, 10-13-92; Ord. No. 9-95, 6-12-95)

**Secs. 2-665—2-675. Reserved.****DIVISION 3. PROFESSIONAL SERVICES****Sec. 2-676. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Greater Hartford Labor Market* includes the following Connecticut towns: Andover, Avon, Bloomfield, Bolton, Canton, East Granby, East Hartford, East Windsor, Ellington, Enfield, Farmington, Glastonbury, Granby, Hartford, Hebron, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, Somers, South Windsor, Suffield, Tolland, Vernon, West Hartford, Wethersfield, Windsor, and Windsor Locks.

*Individual with a physical or mental handicap* means any person who has a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, has a record of such impairment or is regarded as having such an impairment.

*Major life activities* includes, but is not limited to, communication, ambulation ability, self care, socialization, education, vocational training, employment, transportation and adapting to housing.

*Professional organization* shall include individuals, or entities employing individuals, who are: architects, attorneys, auditors, construction managers, economic and financial consultants, engineers, musicians, nurses, physicians, real estate brokers, stenographers, and any other specialized vocation. Also included within this definition are individuals or entities that are recipients or underwriters of city deposits, investments or insurance purchases, which deposit, investment or purchase is in excess of two thousand five hundred dollars (\$2,500.00) in city funds.

*Utilization analysis* means an analysis, by job category, of the current representation of minorities and females in the professional organization's